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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,999	03/31/2005	Eiji Kasutani	P/1927-11	5396
2352 7590 06/24/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
ANDRAMUNO, FRANKLIN S				
ART UNIT		PAPER NUMBER		
2623				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,999

Applicant(s)

KASUTANI ET AL.

Examiner

FRANKLIN S. ANDRAMUNO

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/31/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/31/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date 3/31/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 5,504,518) in view of Maybury et al (US 6,961,954 B1). Hereinafter referred as Ellis and Maybury.

Regarding claim 1, Ellis discloses a video viewing system for viewing a desired video from videos of a first video group (**Determining whether the monitored broadcast segment is temporally bounded by predetermined signal events (column 4 lines 20-22)**), and a second video group produced by use of said first video group (**Determining whether the monitored broadcast segment overlaps another monitored broadcast segment for which a match has been accepted in accordance with a predetermined criteria (column 4 lines 22-25)**). However, Ellis **fails to show** a video of said first video group is specified, whereby frequency-of-use of the specified video in said second video group is calculated and displayed. Maybury discloses (**Tag frequencies for the last 7 days in figure 18**). This shows how the occurrences of a specific program have been counted.

Therefore, it would have been obvious at the time of the invention to include the use of a frequency-of-use for a specific video. This is a useful inventive step because it acquires the frequency a specific program was displayed within a specified time.

Regarding claims 2, 14, 20, 26, 28, 41, and 47, Ellis discloses a video viewing system for viewing a desired video from videos of a first video group (**Determining whether the monitored broadcast segment is temporally bounded by predetermined signal events (column 4 lines 20-22)**), a second video group produced by use of said first video group (**Determining whether the monitored broadcast segment overlaps another monitored broadcast segment for which a match has been accepted in accordance with a predetermined criteria (column 4 lines 22-25)**), and a third video group produced by use of said second video group (**determining whether the match conforms with a predetermined profile of false matching segments (column 4 lines 25-27)**). However, Ellis fails to teach a video of any one video group of said first video group and second video group is specified, whereby frequency-of-use of said specified video. Maybury discloses in figure 8 (**Tag frequencies for the last 7 days in figure 8**) that frequency of use in a video group is displayed up to the last 7 days. Also said second or third video group produced by use of the specified video is calculated and displayed (**Figure 17**).

Therefore, it would have been obvious at the time of the invention to include the use of a frequency of use of a media clip. This is a useful combination because the program is able to trigger an accurate estimate of how often a section of a movie has

been watched. This information gathering helps producers realize the taste of a group of users.

Regarding claims 3, 9, 13, 30, 36, and 40, Ellis discloses a video viewing system for viewing a desired video from videos of a first video group (**Determining whether the monitored broadcast segment is temporally bounded by predetermined signal events (column 4 lines 20-22)**), a second video group produced by use of said first video group (**Determining whether the monitored broadcast segment overlaps another monitored broadcast segment for which a match has been accepted in accordance with a predetermined criteria (column 4 lines 22-25)**), and a third video group produced by use of said second video group (**determining whether the match conforms with a predetermined profile of false matching segments (column 4 lines 25-27)**), the video viewing system comprising: a first storage unit which stores as to enable retrieval of said first video group (**recognition database storing signatures for use in recognizing broadcast segments of interest (column 6 lines 27-30)**), said second video group, and said third video group having said series of correlations (**Segment Recognition controller (404) in figure 11**); a second storage unit which stores as to enable retrieval of mutual correlations obtained from said series of correlations (**Generate the Match Rules in figure 18**). However, Ellis fails to teach a frequency-of-use generation unit. Maybury discloses in figure 8 of a (**Tag frequencies for the last 7 days**) which is an indication of a recollection of the use of the last previous days. Maybury also discloses a specification of a video of any one video group of said first video group and second video group (**6 most frequent tags in figure 19**).

In addition, Maybury teaches the retrieval of a correlation with respect to said specified video from said second storage unit (**Correlation (120) in figure 1**) to generate frequency-of-use of said specified video in said second or third video group produced by use of said specified video based on the retrieved correlation (**Related Websites in figure 19**). Lastly, Maybury also teaches a control unit which displays said frequency-of-use on a display unit (**Multimedia Database Management System (140)**).

Therefore, it would have been obvious at the time of the invention to include the use of a correlation of a group of videos. This is a useful combination because the correlation displays a comparison between different video groups.

Regarding claims 4, 16, 22, 27, 29, and 31 Maybury discloses the video viewing system according to claim 3, wherein said second storage unit stores as to enable retrieval of correlation information (**Correlation (120) in figure 1**) showing that each video section correlates to one video section of other video groups for each of said first video group (**Broadcast detection (122) in figure 1**), said second video group (**Commercial Detection (124) in figure 1**), and said third video group (**Story Segmentation (126) in figure 1**).

Regarding claims 5, 21, and 32, Maybury discloses the video viewing system according to claim 4, wherein said frequency-of-use generation unit comprises (**Tag frequencies of the last 7 days in figure 8**): a retrieval unit which, upon specification of a video of any one video group of said first video group and second video group (**figure 6**), retrieves correlation information on said specified video from said second storage

unit (**Correlation (120) in figure 1**) to identify a used video section of said specified video in said second or third video group produced by use of said specified video (**figure 13**); and a frequency-of-use calculation unit which generates the frequency-of-use of said specified video in said second or third video group produced by use of said specified video based on said used video section (**tags in figure 19**).

Regarding claims 6, 11, 15, 17, 23, 33, 38, 44 and 50, Maybury discloses the video viewing system according to claim 4, wherein said control unit graphs and displays the frequency-of-use (**tag frequencies of the last 7 days in figure 8**) of said specified video in said second or third video group produced by use of said specified video based on a video section of said specified video (**Video (304) in figure 13**).

Regarding claims 7, 12, 18, 24, 34, 39, 45 and 51, Maybury discloses the video viewing system according to claim 6, wherein said control unit displays a pointer movable in a time axis direction of the video section of said specified video together with said graphed frequency-of-use (**frequency in figure 14**), and displays said specified video from a time position indicated by said pointer when said pointer is operated (**date in figure 14**).

Regarding claims 8, 19, 25, 35, 46, and 52, Ellis discloses the video viewing system according to claim 3, wherein said control unit (**Database Control (416) in figure 3**) sorts and displays said frequency-of-use in any one of ascending order and descending order (**figure 16 Maybury**).

Regarding claims 10 and 37, Maybury discloses the video viewing method according to claim 9, wherein in said step d), generating said frequency-of-use (**Figure 9**) by identifying a used frame number of said specified video from said used video section (**Frames in figure 8**), and counting said used frame number in all used video sections in said second or third video group produced by use of said specified video (**Frequency in figure 4**).

Regarding claims 42 and 48, Maybury discloses the video viewing method according to claim 41, wherein the frequency-of-use of said specified video in said other video groups (**Tag Frequencies for the Last 7 Days in figure 18**) is calculated based on a used video section in other video groups of said specified video (**CNN, Simpson, etc in figure 18**).

Regarding claims 43 and 49, Maybury discloses the video viewing method according to claim 42, wherein said used video section is identified based on correlation information (**Correlation (120) in figure 1**) showing that each video section correlates to one video section of other video groups for each of a plurality of video groups (**Key Frame Selection (134) in figure 1**) having a series of correlations that at least one video of one video group is used to produce a video of the next video group (**Multimedia Database Management System (140) in figure 1**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
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